

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RED BARN MOTORS, INC.,)	
)	
Plaintiff,)	
)	No. 1:14-cv-01589-TWP-DKL
vs.)	
)	
NEXTGEAR CAPITAL, INC.,)	
)	
Defendant.)	

*Amended Order on Plaintiff's Motion for Leave to File Verified Amended Complaint [doc. 89]
and Stipulation as to Leave to Amend and Response Deadline [doc. 110]*

Plaintiff Red Barn Motors, Inc. has filed a *Motion for Leave to File Verified Amended Complaint* ("*Motion for Leave to Amend*"), seeking leave of court to file an amended complaint, adding new plaintiffs, claims, and defendants. Thereafter, Defendant was granted additional time within which to file its Answer to the original *Complaint* and to respond to the *Motion for Leave to Amend*.

Then the parties filed their *Stipulation as to Leave to Amend and Response Deadline* ("*Stipulation*"), indicating that although NextGear believes that various claims in the proposed Amended Complaint fail as a matter of law and reserves its rights, defenses, and counterclaims, the parties have stipulated that the *Motion for Leave to Amend* be granted and Defendants have to and including April 15, 2016, within which to file their response to the *Verified Amended Complaint*. The parties have also stipulated that since

NextGear is not objecting to the *Motion for Leave to Amend*, it need not file an Answer or other response to the original complaint.

The *Motion for Leave to Amend* and *Stipulation* have been referred to the undersigned for ruling. Having considered them, the Court finds that the *Motion for Leave to Amend* [doc. 89] should be and hereby is **GRANTED**. By March 11, 2016, Plaintiff shall file the *Verified Amended Complaint*, with the exhibits properly named. Once filed, the *Verified Amended Complaint* shall become the operative complaint in this matter and the caption of this case shall be amended as follows: *Red Barn Motors, Inc., Platinum Motors, Inc., Mattingly Auto Sales, Inc., Young Executive Management & Consulting Services, Inc., Individually and on behalf of other members of the general public similarly situated v. Cox Enterprises, Inc., Cox Automotive, Inc., NextGear Capital, Inc., f/k/a Dealer Services Corporation, successor by merger with Manheim Automotive Financial Services, Inc., and John Wick*.

It is **ORDERED** that the *Stipulation* [doc. 110] is **APPROVED**, and Defendants, having reserved all rights, defenses, and counterclaims regarding the *Verified Amended Complaint*, shall have to and including April 15, 2016, within which to file their response thereto.

It is further **ORDERED** that no Answer or responsive pleading to the original *Complaint* in this case is required.

SO ORDERED: 03/07/2016

A handwritten signature in black ink, reading "Denise K. LaRue". The signature is fluid and cursive, with the first name "Denise" and last name "LaRue" clearly distinguishable.

Denise K. LaRue
United States Magistrate Judge
Southern District of Indiana

Electronic Distribution to All Counsel of Record